



Minutes
Clarendon County Council
Regular Council Meeting
October 11, 6:00 P.M.
School District #1 Administration Building
Summerton, South Carolina

COUNCIL MEMBERS PRESENT:

1. County Council Chairman Dwight L. Stewart, Jr.
2. County Councilman A.C. English, Jr.
3. County Councilman Billy Richardson
4. County Councilman Benton Blakely

*Vice-Chairman Frierson was not able to attend meeting.

MEDIA PRESENT:

Charles Waters-Clarendon Citizen

RESIDENTS PRESENT:

Approximately 15-20 present

COUNTY STAFF MEMBERS PRESENT:

- Mia R. Jackson, Clerk to County Council
- William F. Houser, County Administrator
- David W. Epperson, County Attorney
- Linda P. Lemon, Director of Human Resources
- Sandy Tucker, Weldon Auditorium Coordinator

COUNTY EMPLOYEES PRESENT:

- Nancy Cave- Archives
- Lynden Anthony- Controller
- Sandy Tucker-Weldon Auditorium

- I. **Chairman Stewart called to order at 6:07P.M.** (*Chairman Stewart advised the public that Vice-Chairman Frierson would not be able to attend the Council meeting; however Council still had a quorum and would continue with the meeting as scheduled*)
- II. **Invocation was performed by Councilman Richardson**
- III. **Pledge of Allegiance was recited in unison.**
- IV. **Approval of Council Agenda:** After reviewing the agenda as presented, a motion by Councilman Richardson, seconded by Councilman Blakely to accept October 11, 2010 agenda as presented with no changes.
- V. **Approval of September 13, 2010 Meeting minutes:** Council was presented with the minutes of the September 13, 2010 Council meeting minutes for review and editing. With no comments, questions, or changes to the minutes, Chairman Stewart entertained a motion to accept the minutes as presented.
ACTION: A motion made by Councilman Richardson, seconded by Councilman Blakely to accept the minutes of September 13, 2010 Council meeting as presented. **Motion passed unanimously.**

VI. **Public Hearing:** At 6:08P.M. Chairman Stewart Convened the Public Hearing Portion of the Council Meeting. There are (2) two matters to be presented for public hearing.

1. Ordinance No. 2010-11- To Authorize Issuance of General Obligation Bonds in one or more series to be used to fund one or more capital projects; and Other Related Matters. Chairman Stewart allowed Michael Kozlarek to briefly review the Ordinance and its contents, advising the council and the public that the Ordinance would be used to fund the renovation of the newly acquired Administration Building. During that time, Mr. Kozlarek also advised on the impending travel to New York, NY to meet with the Executives of Standard and Poors. He advised that Chairman Stewart, Administrator Houser, Attorney Epperson, and Controller

Anthony, along with Attorney Kozlarek will be traveling to New York to discuss the Bond issuance and rating. He further explained the County has no Public Debt Rating so with no outstanding rating it is customary for the borrowing entity to meet with the Rating Agency and Bonding Issuers to make a presentation. He stated the trip is scheduled for Wednesday October 20 to return on Friday October 22, 2010. Attorney Kozlarek, made mention of the resolution that was further down on the agenda, stating that the resolution is in relation to the ordinance. He stated that the Resolution authorizes an installment purchase plan of finance for certain capital projects, relative to the Bond issuance for Ordinance no. 2010-11. Chairman Stewart thanked Mr. Kozlarek and then asked Council if they had questions or comments regarding this matter before the floor opened to the public. With no questions from Council, Chairman Stewart opened the floor to the public. ***No questions or comments came from the public***

2. Ordinance No. 2010-12- Authorize Execution of Fee In Lieu of Tax Agreement (FILOT) by and between Clarendon County and Project Pegasus as sponsor, and one or more affiliates. John Truluck, Director of the CC Economic Development Board addressed council and advised them of the purpose for the ordinance. Mr. Truluck stated that there is a prospective investor that is interested in opening a company here in Clarendon County. He advised that under the FOIA companies are protected from disclosing their names or intentions to the public; so the project has been called Project Pegasus. He advised council and the public that the FILOT is an incentive to companies looking to invest in an area. He advised that the State has approved their portion of the agreement for Project Pegasus and we look forward to successfully approving this as well. The question was raised as to how many jobs this would bring to Clarendon County; and Mr. Truluck's response was that he did not want to speculate at this time or disclose more information that already given. Chairman Stewart thanked Mr. Truluck for speaking to council and then asked council if there were questions or concerns. Councilman Blakely raised the question, "Has there been any changes since we last reviewed the ordinance?" John replied, "No."

With no further questions or concerns from council, Chairman Stewart opened the floor for public questions or comments, at 6:12P.M.:

A question came from Fred Tucker, asking "What is the initial loss of taxes to the citizens?" Mr. Truluck replied stating that South Carolina has the highest manufacturing taxes in the US. He advised that manufacturing taxes are at a rate of 10 ½%. He reminded Mr. Tucker that the FILOT is an incentive for companies to invest in our county. This is a State-wide initiative and counties compete to have a company settle in their county. He advised that in order for a business to qualify for a FILOT they must meet the \$2.5 million threshold to receive a FILOT. Any company making over \$50,000 may qualify for an Abatement, which he stated is similar to a FILOT but it reaches maturity after 5 years. Giving a company a 6% FILOT over 20 years will give more to the county than a 5-year abatement. He also explained that through Abatement, the county receives a 42% reduction in revenue and will not receive any funds from the Abatement. However the additional tax revenues in a FILOT will be provided for through the addition of county employee's taxes. After a long pause, Chairman Stewart thanked Mr. Tucker and Mr. Truluck for their time, and asked the public if there were any further questions or comments.

With no further questions or concerns from the public on this matter, Chairman Stewart concluded the public hearing portion of October 11, 2010 Council Meeting at 6:20P.M. to resume the regular Council Meeting.

No action taken during the public hearing.

- VII. **Third reading of Ordinance No. 2010-10-** To Authorize the County to adopt the revised Clarendon County Solid Waste Management Plan. Chairman Stewart advised the public that this ordinance successfully passed two (2) readings and a public hearing. Chairman Stewart turned the floor over to Administrator Houser who then explained the Ordinance. Administrator Houser briefly reviewed the Ordinance 2010-10. He stated that the ordinance follows the guidelines of DHEC. He restated that every ten (10) years each county of South Carolina is required to review and update their Solid Waste Management Plan. It would need to be reviewed and accepted as a county ordinance. He advised that Mark Blackmon, County engineer, has been working with Alliance Engineers to update out Plan to present it to DHEC. Administrator Houser stated that there were no changes to the ordinance as presented to Council. With no further comments from Administrator Houser, Chairman Stewart thanked Mr. Houser and then asked council if there were any further questions or comments. With no comments, Chairman Stewart entertained a motion to accept Ordinance No. 2010-10 as presented.

ACTION: Motion made by Councilman Blakely, seconded by Council Richardson to accept 3rd and final reading of Ordinance no. 2010-10 To Authorize the County to adopt the revised Clarendon County Solid Waste Management Plan. ***Motion Carried unanimously.***

- VIII. **Second Reading of Ordinance No. 2010-11-** To Authorize Issuance of General Obligation Bonds in one or more series to be used to fund one or more capital projects; and Other Related Matters. Chairman Stewart advised Council that this ordinance was just heard during the Public Hearing moments before. He stated that he would entertain a motion to accept second reading of Ordinance no. 2010-11.

ACTION: A motion made by Councilman English, seconded by Councilman Richardson to accept second reading of Ordinance No. 2010-11 as presented. ***Motion carried unanimously.***

- IX. **Second Reading of Ordinance No. 2010-12-** Authorize Execution of FILOT Agreement by and between Clarendon County and Project Pegasus as sponsor, and one or more sponsor affiliates. Chairman Stewart advised council that this is also the ordinance that was reviewed during the public hearing. Chairman Stewart stated that if there were no other questions or concerns from council, he would entertain a motion to accept seconded reading of ordinance no. 2010-12.

ACTION: A motion was made by Councilman Blakely, seconded by Councilman English to accept second reading of Ordinance No. 2010-12 as presented. ***Motion carried unanimously.***

- X. **Consideration of Resolution-** Authorizing an Installment Purchase Plan of Finance for Certain Capital Projects in the County; and Other Related Matters. Chairman Stewart advised that this resolution was in relation to Ordinance no. 2010-11, the Issuance of GO bonds. He stated that the resolution would also authorize installment payments for the Bonds once they successfully had three readings and a public hearing. There were no comments or questions from Council, so Chairman Stewart entertained a motion to accept the resolution as presented.

ACTION: A motion made by Councilman English, seconded by Councilman Blakely to accept the Resolution Authorizing an Installment Purchase Plan of Finance for Certain Capital Projects. ***Motion carried unanimously.***

- XI. **Archives Month Proclamation-** Chairman Stewart presented Ms. Nancy Cave, Archives Director with a Proclamation stating the purpose of proclaiming October as Archives Month. He read the entire Proclamation as presented and thanked Ms. Cave for her hard work and dedication to preserving the history of Clarendon County. Mr. Houser added that he recently received notice on the Archives building repair. He stated that the original estimated damages would be upwards

of \$60, 000; after the bids for renovations were submitted a review of the repair cost were well above \$200,000. He advised council that although that price is pretty high, he has instructed his staff to consider modifying plans to fix only the most needed items. He advised that he will keep council advised as he receives more information.

ACTION: Councilman English, seconded by Councilman Blakely motioned to accept the Proclamation stating October 2010 is Clarendon County Archives Month. ***Motion carried unanimously.***

- XII. **Discussion:** Administrator Houser addressed council stating that currently the Clarendon County Procurement Department is following guidelines for purchases made on State Contract. He realized that during the recent purchase of County vehicles that the guidelines prohibit our Procurement Director from to accepting local bids that fall within a particular range. He stated that in efforts to support local vendors he suggested that Council revise the Procurement procedure to allow the Procurement Department to accept bids from local vendors that fall within a 5% range of the bids from State Contract. He explained that although we accepted a lower bid from a vendor on state contract, the costs incurred with bringing the cars from Spartanburg, SC did not outweigh the benefits of using a local vendor. Administrator Houser requested that he begin the process to revise the Procurement plan; however until that is done he requested authority to accept local bids that fall within 5% of the lowest State Contract when possible. Councilman English then summarized Administrator Houser's presentation stating right now we are not using local vendor's when they are higher than the lowest state contract bid. He stated that he is fully supportive of this and he believed that we should be taking local bids. Chairman Stewart then asked for a motion to authorize Administrator Houser to proceed with revising the current Clarendon County Procurement Procedure and effective immediately authorizing him to accept local bids that come within a 5% range of the State Contract.

ACTION: A motion made by Councilman Blakely, seconded by Councilman English and Councilman Richardson to authorize Administrator Houser to revise the current Procurement Policy and to accept local vendor bids that come within 5% of the lowest bids received.

- XIII. **Travel Requests:** Chairman Stewart stated that Attorney Kozlarek explained the purpose for the travel during the public hearing portion of the meeting. To reiterate, Chairman Stewart advised that he, David Epperson, Bill Houser, Lynden Anthony, and Michael Kozlarek will be traveling to New York, New York to meet with the Rating Agency Standard and Poors (S&P). They will make a presentation to S&P regarding the bonds to be issued. Chairman Stewart advised that their itinerary is departing Wednesday Oct. 20th to meet with the rating agency and bonding company and return Friday after a final meeting in the morning. Chairman Stewart asked for a motion to permit himself, Administrator Houser, Attorney Epperson, and Controller Anthony to travel New York on

Wednesday October 20th- 22nd to meet with the Rating Agency Standard & Poors and the Bonding Company.

ACTION: A motion made by Councilman English, seconded by Councilman Richardson to permit Chairman Stewart, Administrator Houser, Attorney Epperson, and Controller Anthony to travel out of State to New York. ***Motion carried unanimously.***

- XIV. **Administrators Report:** Administrator Houser gave his financial report as follows:

Clarendon County Finances

As of September 30, 2010 -

September Revenue	\$NO REVENUE REPORT AVAILABLE	
September Date Grant Funds	\$11, 224	
September Expenditures	\$1, 407, 600	or 23%
Remaining Budget	\$13, 707, 635	

Clarendon County Water & Sewer

As of September 30, 2010 *(3-month review)*

TOTAL Operating Revenue	\$88, 722
TOTAL Operating Expenses	\$84, 386
TOTAL Depreciation	\$9,000
TOTAL Income/(Loss)	\$(4,664)

C-Fund Report

As of September 30, 2010

Cash Balance	\$918, 739
Project Commitments	Local \$164, 820
	State \$418, 614
Commitments of Cash balance	\$583, 434
Uncommitted Balance	\$357, 206

After reviewing the financial report Administrator Houser discussed the developments of various projects in and around the county. The projects include:

-New Administrative Building: Administrator Houser reported that on October 7, 2010 the County acquired the building formally known as the "Bi-Lo" Building of Manning. He advised council that on the 18th of October there will be a Pre-Bid Conference where contractors would be able to enter the building and have a Q & A session. He stated that he believes the county would receive numerous bids that will help us in finding the best plan for the building.

-Update on Highway 260 Waterline: Administrator Houser advised that the easements are coming along and he hoped to be able to begin the

groundwork on the project in the near future. He is still awaiting permission from USDA, but plans to have that soon.

-The New Recycle Station is up and running: Houser stated that the new recycle building in Oakdale is coming along well. Houser stated that the building is up, the plumbing is being completed and the fence should be in place soon.

-Animal Shelter: Administrator Houser explained that the Second Chance Animal Shelter recently requested to discuss collaboration possibilities with Clarendon County. Houser explained that at they have not come to any conclusion yet. He stated that since the County is ready to proceed with their own shelter, they were still in negotiations to see the best possible outcome for both the County and the Shelter.

-Weldon Auditorium: Administrator Houser advised council that the auditorium is coming along well. He stated that the tiles and chairs are in place. He advised that the first performance will be on December 14th with the Rudolph Ballet to be shown to Clarendon School Districts 1, 2, and 3. The first public performance will be of the Nutcracker. Sandy Tucker, Weldon Coordinator, replied to Mr. Houser's request for input by stating that there will be about 60 or more students

from Clarendon County used as dancers in the Christmas performances. She also mentioned that Weldon will host 2200 Clarendon County students for its initial performances.

Administrator Houser advised that there will be an opening Gala and other events for Weldon. He also mentioned Weldon Auditorium's Website: www.weldon.org

XV. **Chairman's Report:** Chairman Stewart advised council that his report was included in their packet. His report covered the various events that he attended the past month. He also thanked Councilman Blakely for representing the County at the Grand Opening of the New Manning City Hall.

XVI. **Executive Session:** Chairman Stewart announced the necessity to go into Executive Session. He advised that there was a Legal briefing and Personnel matter that needed to be discussed. He reminded the public that no action would be taken in Executive Session and any action taken would be taken once council returned to Open Session. Chairman Stewart then asked for a motion to enter into Executive Session;

ACTION: A motion made by Councilman English, seconded by Councilman Richardson council voted to enter Executive Session at 6:49PM. ***Motion carried unanimously***

Entering in Executive Session were:

1. Chairman Stewart
2. Councilman A.C. English
3. Councilman Billy Richardson
4. Councilman Benton Blakely

(Requested by Council, Patricia Pringle entered Executive Session with County Council.)

XVII. **Open Session:** Upon motion from Councilman Blakely, seconded by Councilman Richardson, Council reconvened in open session at 8:16P.M.. Chairman Stewart thanked the public for their patience and began to review the items discussed in Executive Session.

Legal Briefing: Chairman Stewart advised that council was briefed on a legal matter concerning the Clarendon County Sheriff. **ACTION:** Upon motion from Councilman English, seconded by Councilman Blakely, council directed Attorney Epperson to contact the Legal Counsel representing the Sheriff to resolve the matter. **Motion carried unanimously**

Personnel Matter: Chairman Stewart reported that during the Executive Session, council received a briefing on the matter between the Clarendon County Treasurer, Auditor and the Assessor's Office. **ACTION:** Upon motion from Councilman Richardson, and seconded by Councilman Blakely Council directed Administrator Houser to resolve the issue between the three departments. **Motion carried unanimously.**

XVIII. **Adjournment:** The agenda being exhausted and no further business to discuss, a motion by Councilman English, seconded by Councilman Blakely to conclude and adjourn the October 11, 2010 Clarendon County Council meeting.

There being no further business, Council adjourned at 8:50P.M. without objection.

Respectfully Submitted,

By: Mia R. Jackson
Mia R. Jackson, Clerk to County Council

Date: _____

By: Dwight L. Stewart, Jr.
Dwight L. Stewart, Jr., Council

Chairman

CERTIFICATION OF PUBLIC AND MEDIA NOTIFICATION

I, Mia R. Jackson, Clerk to Council, Clarendon County Council, Manning, South Carolina, do hereby certify that public and media notification of the County Council Meeting of September 13, 2010, was given prior thereto by the following means:

PUBLIC NOTIFIED: Yes

MANNER NOTIFIED: Agenda placed on the bulletin board in the Clarendon County Courthouse and the Clarendon County Website

DATE POSTED: October 8, 2010

MEDIA NOTIFIED: Yes

MANNER NOTIFIED: Agenda emailed to THE MANNING TIMES, THE ITEM, THE CLARENDON CITIZEN and THE FLORENCE MORNING NEWS

DATE NOTIFIED: October 8, 2010

PUBLIC HEARINGS Advertised in THE ITEM on September 24, 2010.

ADVERTISED:

Respectfully submitted,

Mia R. Jackson

Mia R. Jackson, Clerk to Council